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28. Method according to claim 8, wherein said ATM was unable to receive signals directly from a wireless telephone prior to the modifying step.

29. Method according to claim 6, wherein communication between the wireless telephone and the ATM occurs through the network.

REMARKS

This Amendment is submitted in response to the Office Action mailed on June 18, 2002. Claims 1 - 21 are pending, and all stand rejected at present. Claims 22 - 29 have been added.

Claims 9 - 14 were cancelled, because it is possible that they may read on prior-art devices for wireless control of ATMs. These claims did not recite retro-fitting of an ATM, or of a self-service terminal.

Any fee for added claims may be billed to Deposit Account 14 - 0225, NCR Corporation.

Response to Rejection of Claims

SUMMARY OF RESPONSE

All claims recite a modification of an ATM or self-service terminal, wherein certain features are added, such as the ability

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of a wireless telephone to control the ATM.

Some claims state that the modifying "enables" the new features of the ATM. Under the plain meaning of the word "enable," the ATM prior to modification lacked those features. No such ATM, (lacking the claimed features prior to a modification) has been shown in Drummond.

Some amended claims state that the ATM prior to modification lacks the features. That has not been shown in Drummond.

END SUMMARY

RESPONSE

All claims were rejected on grounds of anticipation, based on Drummond.

Claim 1

Claim 1 recites

. . . modifying said ATM to enable it to receive from a wireless telephone user commands for dispensing cash.

The Office Action asserts that Drummond, paragraph 0151, shows this.

No Modification in Drummond

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That passage in Drummond merely discusses a "personal ATM" in the form of a cell phone (or other apparatus such as a notebook computer) which interacts with a cash dispenser of a "host ATM." That passage does not discuss **modifying** the host ATM, "to enable it to receive from a wireless telephone user commands for dispensing cash."

One reason is that the host ATM in Drummond, **at all times**, was effective to perform the operation discussed in paragraph 0151. This is clearly shown by the fact that any number of "personal ATMs" in Drummond can interact with the host ATM of paragraph 0151, one after the other, and withdraw cash. (Paragraph 0154.) Given that fact, how is it possible that each, or any, "personal ATM" modifies the host ATM ?

They don't.

No Identification in Drummond

In addition, claim 1 recites identifying a particular type of ATM, namely, one having (1) a screen for displaying options and (2) a touch input mechanism. The Office Action has not shown this identification step in Drummond.

MPEP § 2131 states:

A claim is anticipated only if **each and every element as set forth in the claim is found**, either expressly or inherently described, in a single prior art reference.

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No Modification of ATM Identified in Drummond

Claim 1 also states that the ATM which is modified is a particular ATM, namely, the ATM which was identified. Such an ATM, which is both identified and modified, has not been shown in Drummond.

Conclusion re: Claim 1

Therefore, Applicants submit that, at least, the three recitations of claim 1 just identified are absent from Drummond.

Claim 2

Claim 2 recites a characteristic of the "modifying step" of claim 1. As explained above, the modifying step of claim 1 is not found in Drummond. Therefore, the characteristic of claim 2 cannot be found in Drummond.

Also, claim 2 states that "retro-fitting said ATM with a program" occurs. Applicants request, under 37 CFR §§ 1.104(b) and 1.106(b) and 35 U.S.C. § 132, that the PTO specifically identify

- the "program" of claim 2 in Drummond,
- and
- the retro-fitting.

Further, claim 2 clearly indicates that the retrofit-program

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"enables said ATM to receive a transaction from a remote source." Plainly, if the ATM were able to "receive a transaction from a remote source" **prior to** the retro-fit, then the retro-fit program did not "enable" such an ability.

Since it is evident that the "host ATM" of Drummond can perform the operations described in his paragraph 0151 **prior to** arrival of the "personal ATM," it is clear that no "enabling" by a retro-fit occurs in paragraph 0151. Thus, the retro-fit of claim 2 is absent from Drummond.

Claims 3 and 4

Claim 3 depends from claim 1, and recites that "said modifying step includes retrofitting said ATM with a transceiver adapted to receive signals directly from the wireless telephone."

As explained above, the modifying step of claim 1 is not found in Drummond. Thus, the included retrofitting of claim 3 cannot be found in that modifying step.

Further, it may appear that the component 550 in Drummond's Figure 13 corresponds to the "transceiver" of claim 3. (Drummond, paragraph 0151.) However, that component 550 was not added to Drummond's ATM in the process described in his paragraph 0151. Thus, the component 550 was not added in the retro-fit of claim 1 or 3.

This applies to claim 4.

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Claim 5

Claim 5 is considered patentable, based on its parent.

Claim 6

Claim 6 recites:

6. The method of claim 1 wherein said ATM is connected to a network for communication therebetween, and wherein said modifying step includes providing a connection between said network and said wireless telephone.

Claim 6 states that, in the modifying step,

-- a connection is provided between said network and said wireless telephone,
and

-- "said network" is connected to "said ATM."

In the parts of Drummond used to reject claim 6, Applicants can see no such connection, namely, (1) of a wireless telephone (2) to a network (3) which connects to an ATM.

Drummond's cell phone connects **directly** to port 550 on the ATM. It does not connect to a network which connects to an ATM.

Therefore, Applicants request that the "connection between said network and said wireless telephone" of claim 6 be identified in Drummond. Applicants point out that this the network must connect to the ATM.

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Added claim 29, which depends from claim 6, states that communication between the wireless telephone and the ATM occurs through the network. That does not appear in the reference, because, again, Drummond's cell phone connects **directly** to port 550 on the ATM.

Claims 7, 8, and 15 - 21

With the exception of claim 7, all the claims identified in the header immediately above were rejected on grounds of anticipation, based on ten paragraphs of Drummond, plus Drummond's Figure 13. Claim 7 was rejected based on six of those paragraphs, plus Drummond's Figure 13.

Those ten paragraphs will be summarized individually. However, as a brief overall summary of these paragraphs, Applicants point out that these paragraphs merely state that

-- A "personal ATM" is used, which is a portable computing device equipped with certain software.

-- The personal ATM can connect with an actual ATM (a "host ATM"), and perform banking functions, such as actuating a cash dispenser.

-- The host ATM can act as a web site. The personal ATM can be equipped with a browser, which downloads web pages from the web site.

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The paragraphs will be summarized individually.

Paragraph 0049

Paragraph 0049 states an object of Drummond's invention, namely, to "provide a cell phone operated as a personal ATM."

Paragraph 0066

Paragraph 0066 describes a "personal ATM." It states that the personal ATM can take the form of a notebook computer, for example, and will store "personal banking account information." Thus, the customer needs no passcard bearing a magnetic stripe, or equivalent. The notebook computer replaces that, and delivers the mag-stripe information to the ATM when the customer enters the proper password.

Paragraph 0081

Paragraph 0081 describes Figure 16, and refers to a personal ATM on a cell phone which performs a transaction with another personal ATM which is on a PDA (Personal Digital Assistant).

Paragraph 0142

Paragraph 0142 indicates that a portable device (ie, the "personal ATM") can connect to an ATM network, and thereby gain access to ATM-type services, such as cash dispensers.

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Paragraph 0146

Paragraph 0146 states that cell phones and PDAs may be used as personal ATMs. In addition, smart cards can be used.

Paragraph 0151

Paragraph 0151 was discussed above, and states that an ATM 540 provides ports 550 with which the "personal ATMs" (eg, a laptop) can communicate. The personal ATM can thereby access ATM services.

Paragraph 0160

Paragraph 0160 refers to Figure 18, and states that a personal ATM is connected to a host ATM in that Figure. The paragraph states that the personal ATM contains certain software, and can include account information for credit cards. Also, the personal ATM can display a menu, like that displayed by the host ATM.

Paragraph 0163

Paragraph 0163 discusses an alternative embodiment, wherein the personal ATM contains a "browser." This allows the host ATM to act as a web site, so that the personal ATM can download web pages.

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Paragraph 0164

Paragraph 0164 states that different types of personal ATMs contain different types of display screens. The paragraph states that the invention accommodates these differences.

Paragraph 0165

Paragraph 0165 explains how the accommodation of paragraph 0164 is accomplished. The personal ATM obtains a "service proxy" from the host ATM, and runs it. Presumably, "service proxy" is a synonym for "driver," analogous to a software driver used to allow a word processing program to run a display adapter.

Against these summaries, the rejected claims will be analyzed.

Claim 20

Claim 20 recites a modifying process "to enable at least one of said ATMs to receive from a wireless telephone user commands for dispensing cash."

It may be true that Drummond discusses using a cell phone to cause an ATM to dispense cash. However, Applicants cannot find the modifying step of claim 20 in Drummond. It appears that, if Drummond allows a cell phone to cause an ATM to dispense cash, Drummond's system **always** had that ability. That is, no modification occurs.

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From another point of view, in the "system" of claim 20, prior to the modification, no ATMs could dispense cash based on user commands from a wireless telephone. Call this "wireless dispensing" for simplicity. To repeat: under claim 20, no ATMs had wireless dispensing ability prior to the modification, because the language of the claim states that the modification "enabled" wireless dispensing ability.

Therefore, under claim 20, prior to the modification, a system must exist which has no wireless dispensing ability.

Stating this conclusion more formally using the language of claim 20: prior to the modification, the system lacked the ability for any ATM "to receive from a wireless telephone user commands for dispensing cash." Thus, for Drummond to anticipate claim 20, such a system must be shown in Drummond.

Therefore, Applicants request, under 37 CFR §§ 1.104(b) and 1.106(b) and 35 U.S.C. § 132, that the PTO specifically identify these two elements in Drummond:

1. The system lacking the ability for any ATM "to receive from a wireless telephone user commands for dispensing cash," and
2. The modifying process of claim 20.

Claim 23 was added, which emphasizes the inability of the system of claim 20 to perform wireless dispensing prior to the modification.

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Comment

It appears that the PTO may be asserting that Drummond's paragraphs 0164 - 0165 show the modification step in question. However, as explained above, those paragraphs merely discuss loading software drivers ("service proxies") into Drummond's portable device. The claim does not recite loading drivers into portable devices.

It could be argued that loading the software drivers of Drummond is necessary to allow Drummond's portable devices to issue commands to the host ATM. Thus, according to the argument, that loading qualifies as the modification of claim 20, because it "enables" operation.

However, this argument ignores certain language of claim 20. Claim 20 recites modifying "said system." "Said system" "includes a host and a plurality of ATMs interconnected by a network," by virtue of claims 1 and 2 of claim 20. Drummond does not modify "said system." Drummond loads software into a portable device. That device is not part of "said system" as defined in claim 20.

Further, claim 20 states "to enable at least one of said ATMs to receive from a wireless telephone user commands for dispensing cash." The PTO has not shown how loading Drummond's software drivers performs this enabling.

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Application of Comment to Claim 21

Claim 21 states that "the modifying step includes upgrading a program residing on said host, on at least one of said ATMs, or both." The Comment immediately above points out that the PTO may be asserting that Drummond's loading of software into a portable device acts as the modification of claim 20.

If so, then Applicants ask the PTO to identify, in Drummond, the "upgrading a program residing on said host [or] on at least one of said ATMs" as in claim 21.

That is, claim 21 states that the modifying step includes the "upgrading" of the paragraph immediately above this one. That upgrading upgrades a program on a host, or ATM. Drummond's loading a software driver onto a portable device does not show that upgrading.

Claims 17 - 19

Claims 17 - 19, speaking generally, state that, prior to a retrofit, or upgrade, the terminal could not receive transactions from a wireless telephone (or similar).

Applicants cannot locate that feature in the ten Drummond-paragraphs cited by the PTO, nor in Drummond's Figure 13, and requests that the PTO identify that feature.

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Claim 16

Claim 16 recites a "transceiver." Claim 16 further states that, when the transceiver is retrofitted to an SST, a user can execute transactions on the SST, using a "wireless communication device."

It may be true that Drummond, in his Figure 13, shows an ATM which will execute transactions in response to a cell phone. However, Applicants cannot locate the "transceiver" of claim 16 in that Figure, nor in the ten Drummond paragraphs cited by the PTO. Applicants request that this "transceiver" be identified in Drummond.

Applicants point out that any "transceiver" identified must be able to be retrofitted. One exemplary type of retrofit is discussed in Applicants' Specification, page 10, line 9 et seq. The transceiver in question is affixed to the system bus of a computer.

Claim 15

Claim 15 recites "modifying the SST so that it received user commands from a wireless telephone." That clearly indicates that, prior to the modification, such commands cannot be received by the SST. Added claim 24 emphasizes this.

Applicants thus request that an SST, which cannot receive such commands, be identified in Drummond. Neither the ten Drummond

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paragraphs cited above, nor Drummond's Figure 13, show such an SST.

Claim 7

Claim 7 recites a modifying step, wherein a transceiver is retro-fitted to an ATM. The six paragraphs of Drummond cited by the PTO show no retro-fit.

Claim 7 clearly involves an ATM which is modified. Plainly, then, an ATM which is not modified must be present, prior to the step of modification. Applicants request that such unmodified ATM be shown in Drummond.

Claim 8

Claim 8 recites "modifying the ATM to enable it to receive from a wireless telephone user commands." Plainly, prior to the modifying, the ATM did not receive the wireless user commands. Applicants cannot locate that in Drummond, and requests that it be identified.

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Conclusion

Applicant requests that the rejections to the claims be reconsidered and withdrawn.

Applicant expresses thanks to the Examiner for the careful consideration given to this case.

Respectfully submitted,


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ATTACHMENT: Annotated Claim(s) Showing Amendments

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ATTACHMENT: Annotated Claim(s) Showing Amendments

17. (Amended once.) A self-service terminal having been retrofitted to allow the terminal to execute transactions entered using a wireless telephone, wherein said terminal did not allow transactions to be entered using a wireless telephone prior to retrofitting.

18. (Amended once.) A self-service terminal having been retrofitted to receive a transaction from an authorized source external to the terminal, wherein said terminal was unable to receive transactions from said authorized source prior to retrofitting.

19. A self-service terminal including a program storage device, the device [being] having been upgraded to encode a program of instructions for monitoring an external source and for receiving a transaction from an authorized source via the external source, wherein the terminal was unable to receive transactions via the external source prior to upgrading.